IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 24316 of 2007(T)

PETITIONER:

S.SANTHA KUMARI, AGED 73 YEARS,
W/O.MR.KESAVAN, T.C.9/1029, DELIGHT,
SASTHAMANGALAM, TRIVANDRUM.

BY ADV. SRI.A.AHZAR

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. CHAIRMAN,
TRIVANDRUM DEVELOPMENT AUTHORITY (TRIDA)
TRIVANDRUM.

3. SPECIAL TAHSILDAR,
LAND ACQUISITION (GENERAL),
TRIVANDRUM.

R1 & R3 BY SR. G.P. SHRI BENNY VARGHESE
R2 BY ADV. SRI.K.A.JALEEL, SC., TRIDA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF TAX RECEIPT DATED 2.5.2007 FOR RS.24/-

EXT.P2 TRUE COPY OF NOTICE ISSUED BY DY.COMMISSIONER, LAND REVENUE

EXT.P3 TRUE COPY OF REPRESENTATION FILED BY PETITIONER BEFORE THE ADDL.CHIEF SECRETARY, DATED 18.2.2004

EXT.P4 -DO- BEFORE THE CHAIRMAN, TRIDA DATED 21.2.2004

EXT.P5 -DO- BEFORE THE HON'BLE MINISTER FOR LOCAL SELF GOVT. DATED 16.8.2006

EXT.P6 TRUE COPY OF ORDER DATED 11.9.2006 PASSED BY THE HON'BLE MINISTER FOR LOCAL SELF GOVERNMENT DATED 16.8.2006

EXT.P7 TRUE COPY OF NOTICE UNDER SECTION 9(3) OF LAND ACQUISITION ACT ISSUED BY 3RD RESPONDENT DATED 28.4.2007

EXT.P8 TRUE COPY OF OBJECTION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 8.5.2007

//TRUE COPY//

K. PADMANABHAN NAIR ,J.

W.P.(C) No.24316 of 2007 T

Dated, this the 18th day of September, 2007

JUDGMENT

Petitioner is the owner of a building situated in Sy.No.308/3-16 of Sasthamangalm Village, Thiruvananthapuram. Second respondent had issued a notification for the purpose of widening LMS - Students Centre - Vellayambalam - Sasthamangalam Road. According to the petitioner around 4.25 metres of property belonging to her is proposed to be acquired whereas on the opposite side the properties proposed to be acquired is only one metre. The grievance of the petitioner is that if 4.25 metres of property is acquired the major portion of 50 years old residential building situated in the said property will have to be demolished rendering her and her husband who are aged 73 and 80 respectively homeless. According to the petitioner she filed Exts.P3 and P4 representations before the Chairman, TRIDA and Ext.P5 representation dated 16.8.2006 before the Hon'ble Minister for Local Self Government.

2. After hearing both sides, I am of the view that this Writ Petition can be disposed of with a direction to the second respondent to place the matter before the High Level Committee constituted by the Government for Capital Region Development Programme.

In the result, Writ Petition is disposed of in the following manner. There

will be a direction to the second respondent to place Exts.P3 and P4 representations and to the first respondent to place Ext.P5 representation before the High Level Committee if those representations are still pending. In case those representations are already disposed of, the petitioner can file a detailed representation/petition before the second respondent explaining the difficulties and alternate proposal, if any, petitioner wants to place, within two weeks from the date of receipt of a copy of the judgment. If such a representation is received, the second respondent shall place the same along with copies of Exts.P3 and P4 before the High Level Committee. The High Level Committee shall consider the representation/petition filed by the petitioner and take a decision in accordance with law after hearing the petitioner as well as the second respondent TRIDA within a period of two months from the date of receipt of the same. Until a decision is taken in the matter the building owned by the petitioner shall not be demolished.

K. PADMANABHAN NAIR,
JUDGE.

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